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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,122	02/04/2004	David S. Majkrzak	C136.12-0016	4277
27367	7590	05/09/2005	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A. SUITE 1400 - INTERNATIONAL CENTRE 900 SECOND AVENUE SOUTH MINNEAPOLIS, MN 55402-3319			TORRES, ALICIA M	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,122

Applicant(s)

MAJKRZAK, DAVID S.

Examiner

Alicia M Torres

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Isbell.

Regarding claims 1, 2, 4 and 5, Evans discloses a knife section for a harvester:

- The knife section (6) being flat and having a top surface plane and a base (unnumbered, see Figures 4 and 5),
- the knife section (6) having a leading end (at 7 in Figure 4) spaced from the base,
- mounting holes (13) for securing the knife section (6) to a support bar (12),
- the knife section (6) having a central dividing plane and side edges at the base parallel to the central dividing plane at the base,
- the leading end (at 7) being of substantially less lateral width than a width between the side edges of the base,
- a pair of cutting edges (unnumbered, see column 4, lines 74-76), one on each side of the knife section (6) and defining a cutting line that continually moves away from the center plane of the knife section (6) from a first end of such cutting line adjacent the leading end (at 7) to second end of the cutting line at a junction of the

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cutting line with a respective side edge on the respective side of the base of the knife section (6), as per claim 1;

- the leading end (7) has a surface transverse to the central plane of the knife section (6), as per claim 2; and
- each cutting line is part of a circle, as per claim 4.

However, Evans fails to disclose wherein the cutter bar is reciprocating, mounting holes in the base for securing the knife section to a support bar, as per claim 1; and

wherein each cutting edge is serrated, with outer serration points lying along the cutting line, as per claim 5.

Isbell discloses a similar knife section (49) for use on a reciprocating cutter bar (45), and Mounting holes (unnumbered) in the base, as per claim 1; and

With serrations (51) lying along the cutting line (53), as per claim 5.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the serrations of Isbell on the device of Evans in order to provide a sharp cutting edge.

3. Regarding claims 6-8, Evans discloses a knife section (6) including

- a leading end (at 7 in Figure 4),
- a base end with side edges (unnumbered),
- a pair of smoothly curved concave cutting edge lines (unnumbered) extending from the leading end (at 7) to a side edge without reducing the distance from the

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cutting edge line to a central plane perpendicular to the knife section (6), as per claim 6; and

- each cutting line lying along a smoothly sharpened edge of the knife sections (6), as per claim 7.

However, Evans fails to disclose a reciprocating cutter bar, as per claim 6; and

Each cutting edge line lying along points of cutting edge serrations, as per claim 8.

Isbell discloses a similar knife section (49) including a reciprocating cutter bar (45), as per claim 6; and

each cutting edge lines (53) lying along points of serrations (51), as per claim 8.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the serrations of Isbell on the device of Evans in order to provide a sharp cutting edge.

4. Regarding claims 9-13, Evans discloses a double edge knife section for a reciprocating sickle, including:

- a leading end (at 7 Figure 4) and a base end (unnumbered),
- a pair of smoothly curved concave cutting edge lines (unnumbered) extending from the leading end (at 7) to a respective side edge of the base,
- the distance from each cutting edge line to a bisecting central plane perpendicular to the knife section plane expanding in a concave curve continually from adjacent the leading end (at 7) to the respective base side edge, as per claim 9; and

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- each cutting edge line lies along a smoothly sharpened edge of the double edge knife section (6), as per claim 10; and
- the double edge knife section (6) being symmetrical, as per claim 12; and
- the side edges tapering from the cutting edge line upwardly toward the central plane (see Figure 5), as per claim 13.

However, Evans fails to disclose a reciprocating cutter bar, as per claim 9; and

The cutting edge line lying along points of serrations, as per claim 11.

Isbell discloses a similar double edge knife section (49) for a rotating cutter bar (45), as per claim 9; and

The cutting edge line (53) lying on points of serrations (51), as per claim 11.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the serrations of Isbell on the device of Evans in order to provide a sharp cutting edge.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Isbell as applied to claim 1 above, and further in view of Yang et al., hereafter Yang.

The device is disclosed above. However, Evans and Isbell fail to disclose each side edge being substantially between 40% and 50% of the distance from a base end of the knife section to the leading end thereof.

Yang discloses a similar device wherein each side edge (55) is substantially between 40% and 50% of the distance from a base end (75) of the knife section (5) to the leading end (51) thereof.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the edge of Yang on the knife of Evans and Isbell in order to create a snug spacing between knives.

Response to Arguments

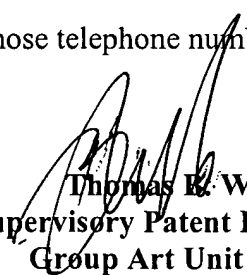
6. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 571-272-6997. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 571-272-6998.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT May 2, 2005